PROB 12B
(01/13)

# UNITED STATES DISTRICT COURT
for
Western District of Washington

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Brionne Corbray **Case Number:** 2:12CR00234RSM-001
Name of Judicial Officer: The Honorable Ricardo S. Martinez, U.S. District Judge
Date of Original Sentence: 12/19/2012 **Date of Report:** 01/09/2015
Original Offense: Conspiracy to Distribute Marijuana
Original Sentence: 5 years probation
Type of Supervision: Probation **Date Supervision Commenced:** 12/19/2012
Assistant U.S. Attorney: Vincent T. Lombardi **Defense Attorney:** Corey Endo
Special Conditions Imposed:

☐ Substance Abuse ☒ Financial Disclosure ☐ Restitution:
☐ Mental Health ☒ Fine $25,000 ☐ Community Service
☒ Other: Submit to search; participate in MRT as directed;

PETITIONING THE COURT

☐ To extend the term of supervision for ___ years, for a total term of ___ years.
☒ To modify the conditions of supervision as follows:

> The defendant shall participate as instructed by the U.S. Probation Officer in a program approved by the probation office for treatment of narcotic addiction, drug dependency, or substance abuse, which may include testing to determine if defendant has reverted to the use of drugs or alcohol. The defendant shall also abstain from the use of alcohol and/or other intoxicants during the term of supervision. Defendant must contribute towards the cost of any programs, to the extent defendant is financially able to do so, as determined by the U.S. Probation Officer.
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> The defendant shall participate as directed in a mental health program approved by the United States Probation Office. The defendant must contribute towards the cost of any programs, to the extent the defendant is financially able to do so, as determined by the U.S. Probation Officer.

CAUSE

Due partly to financial struggles and partly to willful neglect, Mr. Corbray has failed to make any payments to date towards the reduction of his $25,000 fine in this case. At the time supervision commenced, in December 2012, Mr. Corbray was unemployed and subsisted entirely on his wife's income and assistance from family. When a documentary film project he was working on fell through in 2013, he obtained employment as a construction flagger for several months, and subsequently worked at an insurance company for a small period of time. Earlier this year, he started taking online real estate classes and was ultimately hired as a real estate agent by a local real estate company in June 2014. To date, he reports he has not generated any income from this new employment. After discussions with his attorney, it was hoped and anticipated that Mr. Corbray would start making payments in July 2014. This has not happened.

In addition to his failure to make payments towards his fine, Mr. Corbray submitted a urine sample on February 14, 2013, which tested positive for marijuana. He denied using any marijuana and subsequent tests in March and May, 2013, were negative. In June 2014, when directed to submit a sample, he balked. He stated his belief was that he was only required to submit to a total of three drug/alcohol tests during his term of supervision. Counsel then spoke with Mr. Corbray and his drug testing obligation was clarified. On December 9, 2014, Mr. Corbray was contacted at his residence and questioned about marijuana use. At that time, he admitted to consuming marijuana as recently as December 4, 2014. He said that marijuana, for which he has a medical marijuana card, is the only thing that helps him with ongoing stress and anxiety. Mr. Corbray was reminded that he cannot use marijuana to despite having a medical marijuana card.

While Mr. Corbray's financial struggles have impacted his ability to pay throughout his term of supervision, it is also clear his ability to pay is only one component of a much larger issue. Mr. Corbray feels wronged by the legal system in this case and has been unable to transition to a point of acceptance. In conversations, it is clear that the bitterness he carries has impacted his overall compliance and it will remain a barrier to his success if not addressed. With that in mind, Mr. Corbray has agreed to participate in a mental health evaluation, to include a chemical dependency component, and follow any treatment recommendations. Ultimately, it is hoped that this evaluation process will have a positive impact on Mr. Corbray's overall wellbeing, attitude and compliance, moving forward.

It is respectfully recommended that the Court modify Mr. Corbray's conditions of probation as indicated above. Attached is a signed waiver and agreement form bearing Mr. Corbray's signature for consideration. Defense counsel has been contacted and has no objection to the proposed modification.

I swear under penalty of perjury that the following is true and correct.
Executed on this 9th day of January, 2015.

Thomas J. Fitzgerald
U.S. Probation Officer

APPROVED:
Connie Smith
Chief U.S. Probation and
Pretrial Services Officer
BY:

Monique D. Neal
Supervising U.S. Probation Officer

THE COURT FINDS PROBABLE CAUSE AND ORDERS:

- ☐ No Action Approved
- ☐ The Extension of Supervision as noted above
- ☒ The Modification of Conditions as noted above
- ☐ Other

Signature of Judicial Officer

1/12/2015
Date

PROB 49
(05/97)

UNITED STATES DISTRICT COURT
Western District of Washington

Waiver of Hearing to Modify Conditions of Probation

I, Brionne Corbray, have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

> The defendant shall participate as instructed by the U.S. Probation Officer in a program approved by the probation office for treatment of narcotic addiction, drug dependency, or substance abuse, which may include testing to determine if defendant has reverted to the use of drugs or alcohol. The defendant shall also abstain from the use of alcohol and/or other intoxicants during the term of supervision. Defendant must contribute towards the cost of any programs, to the extent defendant is financially able to do so, as determined by the U.S. Probation Officer.
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> The defendant shall participate as directed in a mental health program approved by the United States Probation Office. The defendant must contribute towards the cost of any programs, to the extent the defendant is financially able to do so, as determined by the U.S. Probation Officer.

Witness: ______________________________ U.S. Probation Officer

Signed: ______________________________ Probationer/Supervised Releasee

12/12/14
Date